

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JESSE FABIO,

Plaintiff,

vs.

DIVERSIFIED CONSULTANT, INC.,
A Florida Corporation, d/b/a Diversified
Credit, Inc.,

Defendant.

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CIVIL ACTION NO. 3:13-CV-00524

DEFENDANT’S MOTION TO DISMISS FOR LACK OF IN PERSONAM JURISDICTION
AND IMPROPER VENUE PURSUANT TO FED.R.CIV.P. 12(b)(2) AND (3) OR IN THE
ALTERNATIVE, MOTION TO TRANSFER

Diversified Consultants, Inc. (“Defendant”) responds to Plaintiff’s Complaint as follows:

1. Defendant moves for an order dismissing this action because this Court lacks *in personam* jurisdiction over Defendant and venue is improper under 28 U.S.C. § 1391. In the alternative, Defendant requests the Court to transfer this case to the United States District Court for the Middle District of Florida, Jacksonville Division where Defendant maintains its office, where its witnesses and/or files are located and where it originated its collection efforts giving rise to the claims asserted in Plaintiff’s complaint or alternatively, transfer this case to the United States District Court for the District of Minnesota St. Paul Division pursuant to 28 U.S.C. § 1406(a).
2. This motion is supported by Defendant’s Memorandum of Law and declaration filed contemporaneously with this Motion.

Respectfully submitted,

/s/ Steven R. Dunn

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following persons:

Peter Barry
2701 University Avenue SE
Suite 209
Minneapolis, MN 55414-3236

/s/Steven R. Dunn

Steven R. Dunn